

BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

CITY HALL COMMISSION ROOM

REGULAR MEETING AGENDA

Thursday, January 28, 2010

6:30 P.M.

I. OPENING OF MEETING

A. Pledge of Allegiance

B. Roll Call of Commissioners

C. Reference to Fundamental Rights of Public - A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia's Open Government Ordinance.

II. AGENDA CHANGES AND DISCUSSION

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN

B. PUBLIC COMMENT

IV. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Historic Preservation Review Commission or a member of the public by submitting a speaker slip for that item.

*Any Item identified as a Public Hearing has been placed on the Consent Calendar because it has not generated any public interest or dissent. However, if any member of the public wishes to comment on a Public Hearing item, or would like the item placed on the regular agenda, please notify the Community Development Staff either prior to, or at the Historic Preservation Review Commission meeting, prior to the reading of the Consent Calendar.

- A. **Approval of Agenda**
- B. **[Approval of Minutes of December 17, 2009](#)**

V. **REGULAR AGENDA ITEMS**

- A. **[DESIGN REVIEW - NEW DETACHED GARAGE](#)
09PLN-00097
255 West K Street, APN: 0087-161-160**

PROPOSAL:

The applicant requests design review approval to construct a one-story, 875 square foot garage in the rear yard of an existing single-family residence. The existing residential building is designated as a contributing building to the Downtown Historic District.

Recommendation: Approve the design review request to construct a one-story, 875 square foot garage in the rear yard of an existing single-family residence, based on the findings and conditions of approval set forth in the proposed resolution.

- B. **[MILLS ACT INSPECTIONS – Continued from December 17, 2009](#)** – At the October 22nd meeting, Commissioner Mang requested that the Commission be involved in the Mills Act inspection process. Staff and the Commission will discuss this request.
- C. **[CERTIFIED LOCAL GOVERNMENT \(CLG\) ANNUAL REPORT](#)** - Staff will present the CLG Annual Report to the Commission for review and discussion.
- D. **[LISTING PROCESS FOR HISTORIC RESOURCES TO REGAIN HISTORIC STATUS](#)**

PROPOSAL:

Per City Council direction, the Commission will discuss a process that allows an eligible property to gain historic status. This discussion includes suggestions made by Commissioner Taagepera in a memo dated March 25, 2009, and comments made by the Commission at the September 24, 2009 meeting.

Recommendation: Continue this discussion, review draft policy, and direct staff to prepare a zoning text amendment for the Commission to make a recommendation to the Planning Commission and the City Council.

E. PRIORITY LIST OF DISCUSSION ITEMS

Staff and Commission will discuss and review the Commission's discussion items, including ranking of topics.

VI. COMMUNICATIONS FROM STAFF

VII. COMMUNICATIONS FROM COMMISSIONERS

VIII. ADJOURNMENT

Public Participation

The Benicia Historic Preservation Review Commission welcomes public participation.

Pursuant to the Brown Act, each public agency must provide the public with an opportunity to speak on any matter within the subject matter jurisdiction of the agency and which is not on the agency's agenda for that meeting. The Historic Preservation Review Commission allows speakers to speak on agenda and non-agenda matters under public comment. Comments are limited to no more than 5 minutes per speaker. By law, no action may be taken on any item raised during the public comment period although informational answers to questions may be given and matters may be referred to staff for placement on a future agenda of the Historic Preservation Review Commission.

Should you have material you wish to enter into the record, please submit it to the Commission Secretary.

Disabled Access

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact Valerie Ruxton, the ADA Coordinator, at (707) 746-4211. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Meeting Procedures

All items listed on this agenda are for Commission discussion and/or action. In accordance with the Brown Act, each item is listed and includes, where appropriate, further description of the item and/or a recommended action. The posting of a recommended action does not limit, or necessarily indicate, what action the Commission may take.

The Historic Preservation Review Commission may not begin new public hearing items after 11 p.m. Public hearing items, which remain on the agenda, may be continued to the next regular meeting of the Commission, or to a special meeting.

Pursuant to Government Code Section 65009; if you challenge a decision of the Historic Preservation Review Commission in court, you may be limited to raising only those issues you or

someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Historic Preservation Review Commission at, or prior to, the Public Hearing. You may also be limited by the ninety (90) day statute of limitations in which to file and serve a petition for administrative writ of mandate challenging any final City decisions regarding planning or zoning.

Appeals of Historic Preservation Review Commission decisions that are final actions, not recommendations, are considered by the Planning Commission. Appeals must be filed in the Community Development Department in writing, stating the basis of appeal with the appeal fee within 10 business days of the date of action.

Public Records

The agenda packet for this meeting is available at the City Clerk's Office, the Benicia Public Library and the Community Development Department during regular working hours. To the extent feasible, the packet is also available on the City's web page at www.ci.benicia.ca.us under the heading "Agendas and Minutes." Public records related to an open session agenda item that are distributed after the agenda packet is prepared are available before the meeting at the Community Development Department's office located at 250 East L Street, Benicia, or at the meeting held in the City Hall Council Chambers. If you wish to submit written information on an agenda item, please submit to Gina Eleccion, Management Analyst, as soon as possible so that it may be distributed to the Historic Preservation Review Commission.



BENICIA HISTORIC PRESERVATION REVIEW COMMISSION

CITY HALL COMMISSION ROOM

REGULAR MEETING MINUTES

Thursday, December 17, 2009

6:30 P.M.

I. OPENING OF MEETING

- A. Pledge of Allegiance**
- B. Roll Call of Commissioners**

Present: Commissioners Crompton, Donaghue, McKee, Taagepera, White and Chair Haughey
 Absent: Commissioner Mang (excused)

Staff Present:
 Damon Golubics, Principal Planner
 Gina Eleccion, Management Analyst
 Amy Million, Consulting Planner
 Sharon Williams, Development Services Technician
 Raquel Walsh, Recording Secretary

- C. Reference to Fundamental Rights of Public -** A plaque stating the Fundamental Rights of each member of the public is posted at the entrance to this meeting room per Section 4.04.030 of the City of Benicia’s Open Government Ordinance.

II. AGENDA CHANGES AND DISCUSSION

Commissioner Taagepera requested to continue Item V-C, Lower Arsenal Mixed Use Specific Plan until a workshop could be held to further inform the Commissioners on the plan. Request was seconded by Commissioner White, and carried by the following vote:

Ayes: Commissioners Crompton, Donaghue, McKee, Taagepera, White, Chair Haughey
 Noes: None
 Absent: Commissioner Mang
 Abstain: None

Gina Eleccion stated that Commissioner Mang requested Item VI-A, Mills Act Inspection, be continued to the next meeting. She requested a motion, a second and vote to confirm this.

On motion of Commissioner Crompton, seconded by Commissioner McKee, Item VI-A was continued to the next meeting by the following vote:

Ayes: Commissioners Crompton, Donaghue, McKee, Taagepera, White, Chair Haughey
Noes: None
Absent: Commissioner Mang
Abstain: None

III. OPPORTUNITY FOR PUBLIC COMMENT

A. WRITTEN
None

B. PUBLIC COMMENT
John Van Landschoot announced that cookies, cider and snacks were provided for everyone to enjoy.

IV. CONSENT CALENDAR

Commissioner Donaghue pulled item IV-B for discussion

On motion of Commissioner Donaghue, seconded by Commissioner White, the Consent Calendar, with the agenda as amended above with the removal of item IV-B, was approved by the following vote:

Ayes: Commissioners Crompton, Donaghue, McKee, Taagepera, White, Chair Haughey
Noes: None
Absent: Commissioner Mang
Abstain: None

A. Approval of Agenda

B. Approval of Minutes of Joint Planning Commission Meeting of October 22, 2009

Commissioner Donaghue requested a change in minutes on page eight. He noted that it should read that he borrowed a copy from Gina and utilized the internet, and did not have his own copy for review. Additionally, Commissioner McKee noted errors on his votes, which will be corrected. On page eight, he abstained and on page nine his vote was yes.

On motion of Commissioner Donaghue, seconded by Commissioner McKee, the minutes of October 22 were approved as amended, by the following vote:

Ayes: Commissioners Donaghue, McKee, Taagepera, White, Chair Haughey
Noes: None
Absent: Commissioner Mang
Abstain: Commissioner Crompton

C. Approval of Minutes of November 19, 2009

V. REGULAR AGENDA ITEMS

A. RECONSIDERATION OF A DESIGN REVIEW REQUEST TO MODIFY EXISTING WINDOWS ON THE EAST AND SOUTH FACADES OF A CONTRIBUTING BUILDING LOCATED AT 464 EAST H STREET

09PLN-00086 Design Review
464 East H Street, APN: 80-171-15

PROPOSAL:

The applicant is requesting reconsideration of a previously approved window design at 464 East H Street. The Historic Preservation Review Commission approved modifications to the windows on the east and south facades at the November 19, 2009 meeting.

Recommendation: Approve the reconsideration of a design review request to modify the existing windows on the east and south facades of a contributing at 464 East H Street, based on the findings and conditions of approval set forth in the proposed resolution.

Consulting Planner Million read the memorandum regarding 464 East H Street design review, which included the applicants specific requests that condition of Resolution 09-17 be modified to allow a different grid pattern and/or window dimensions.

Applicant Richard DeGraffenreid expressed his appreciation to the Commission for their time and attention to the review. He also indicated that he appreciated the procedural process as well. Additionally, Mr. DeGraffenreid inquired about tax credits for the installation of the new windows, at which point he was directed by staff to speak with Gina Eleccion at another time.

Commissioner Crompton polled the other Commissioners to be assured that this request was consistent with past decisions. The Commissioners agreed and Commissioner Crompton made a motion to approve.

RESOLUTION NO. 09-18 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW TO ADD A NEW WINDOW AND REPLACE AN EXISTING WINDOW ON THE EAST FACADE, MODIFY THE EXISTING WINDOW AND DOOR ON THE SOUTH FACADE OF THE RESIDENTIAL BUILDING LOCATED AT 464 EAST H STREET (09PLN-86)

On motion of Commissioner Crompton, seconded by Commissioner Taagepera, the above Resolution was adopted by the following vote:

Ayes: Commissioners Crompton, Donaghue, McKee, Taagepera, White, Chair
Haughey
Noes: None
Absent: Commissioner Mang
Abstain: None

B. UNION PACIFIC RAILROAD AUTO LOADING FACILITY DESIGN REVIEW

09PLN-87 Design Review

1140 Bayshore Road, APN: 080-030-020

PROPOSAL:

The applicant requests approval of an auto loading facility located at 1140 Bayshore Road. This project consists of relocating fencing and adding six lighting poles and fixtures along the proposed railroad track.

Recommendation: Approve design review request for a new auto loading facility which involves relocating fencing and adding six lighting poles and fixtures along new proposed railroad tracks located at 1140 Bayshore Road, based on the findings and conditions of approval set forth in the proposed resolution.

Sharon Williams, Development Services Technician, gave a presentation on the proposed auto loading facility design. She indicated the project, located at 1140 Bayshore Road, would add railroad track with a runaround where Amports have vehicles off-loaded. She noted that the project would involve the relocation of fencing and the addition of security lighting. The lights proposed would be (6) six 70ft tall units with the light directed on the tracks. Sharon Williams shared an explanation of the pictures provided to the Commissioners and pointed out the differences between the existing light and proposed lighting. She added that the new lighting is non-intrusive and is also for employee safety.

Damon Golubics, Principal Planner, added that this project would allow more off-loading and found the new lighting technology incredible. He indicated that this was a well-planned program and reaffirmed that staff is recommending approval.

Further questions posed by the Commission were fielded by the applicant, Union Pacific Representative Mike Zucker, Joe Maxwell and Adam DeJong of Musco Lighting. Commissioner Donaghue inquired about the vibratory compaction as well as vibration of the new tracks. Mr. Zucker explained that during construction they would be using thinner lifts without a vibratory roller compaction. He also noted that a project study was done and the vibration from the trains in the areas impacted would be equal to an individual walking around a house.

Other questions posed by Commissioners, including Commissioner Taagapera's inquiry about aesthetics and the affect the lighting would have on other parts of the Arsenal and Clock Tower, and Commissioner Donaghue's question of height comparisons were fielded by Musco Lighting representative Adam DeJong. Mr. DeJong explained that the 70ft lights would be optimal based on rail car height. He added that the lights would not impact the Clock Tower and the surrounding Arsenal buildings. He added that the lights are full cut off fixtures that are environmentally friendly using less electricity than the current lighting. Commissioner McKee asked about the positioning of the lights and Damon Golubics indicated that the general plan policy requires lighting to be directed away from the bay. Commissioner White asked about the foot candles and Mr. DeJong explained that the maximum would be five foot-candles.

The discussion was opened up for public comment.

Gene Doherty, 580 Willow Court - Works in the Arsenal, and expressed support of the project and noted that he did not see any problems with the new lighting as long as it is pointing down. He added that he hoped the lights could be shut off when not in use to reduce greenhouse gases. Mr. Zucker explained they were looking into technology that would put the lights on timers and he recommended a four-hour time frame.

Randy Scott, Amports - He indicated that the new project would save 200,000 emission miles and supports the project.

Commissioner Donaghue made a motion to adopt resolution as presented, seconded by Commissioner Taagepera. Commissioners discussed the motion and Commissioner Crompton requested to add a finding specific to the project that states an exception to the max height requirements given the characteristics of the area.

RESOLUTION NO. 09-19 (HPRC) - A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING UNION PACIFIC AUTO LOADING FACILITY

On motion of Commissioner Crompton, seconded by Commissioner White, with an additional finding related to the specific project site, the above Resolution was adopted by the following vote:

| | |
|----------|---|
| Ayes: | Commissioners Crompton, Donaghue, McKee, Taagepera, White and Chair Haughey |
| Noes: | None |
| Absent: | Commissioner Mang |
| Abstain: | None |

C. LOWER ARSENAL MIXED USE SPECIFIC PLAN - DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)

PROJECT LOCATION: The project site is located in the City of Benicia in Solano County. The project site consists of approximately 50 acres east of Downtown Benicia, and is a portion of Benicia's former Arsenal known as the Lower Arsenal. The site is generally bounded by lands adjoining I-780 on the north, lands adjoining I-680 on the east, Port of Benicia land and the Carquinez Strait on the south, and residential neighborhoods extending into downtown Benicia on the west.

BRIEF DESCRIPTION OF PROJECT: The proposed project includes implementation of a Specific Plan for the Lower Arsenal site, which is designated for mixed uses in the Benicia General Plan. The Specific Plan covers four distinct zones, each of which exhibits a unique physical character. The Specific Plan would implement a form-based code to shape future development on the project site, with primary emphasis on the physical form and character of new development. After build-out of the Specific Plan, the area would contain approximately 741,865 square feet of mixed uses, 22 residential units, and 6.39 acres of open space. The Specific Plan area currently contains approximately 525,000 square feet of mixed uses. The Draft Specific Plan is available for

public review at the City's Public Works & Community Development Department or on the City's website (www.ci.benicia.ca.us).

Recommended Action: Confirm, modify, and/or augment the August 2008 Planning Commission recommendation that the City Council certify the Environmental Impact Report and adopt the Lower Arsenal Mixed Use Specific Plan, including modification of Specific Plan Action 4.6.2 to prohibit granting of City permit for alteration of any structure in the Plan area more than 50 years old until the Lower Arsenal historic resource inventory has been updated.

Damon Golubics asked the Commissioners to indicate what specific documents they would like to review, pose questions to staff and decide on a cut-off date for response. He added that including LSA and Opticos in the workshop would require a mid-year budget adjustment and there would only be enough funds for one visit. Commissioner Taagepera indicated that she did not need those companies to come back. After a brief discussion, Damon Golubics suggested there be a staff overview and education of the plan, after which the plan can be formally agendized for action in March or April. Commissioner Donaghue added that he would like a special meeting with no other agenda items.

Although slated for future review, Chair Haughey invited the public to discuss the Lower Arsenal Plan.

Belinda Smith, resident - spoke in detail about the report and noted that the back of the document provides guidance for review. Her points included how the City is defining the historic district, compliance to the national registry of the district and that the Secretary of Interior Standards apply to the application. She asked that the Commission reference the Secretary of Interior Standards with regards to the Conservation Plan. Ms. Smith added that the analysis should define the district as a whole as the four districts are intertwined and dependent on each other. Together they tell a national story.

Steve Goetz, resident - spoke about impacts of sub-district setting of buildings, open views and landscape features. He indicated that the EIR relies on inadequate mitigation measures. He indicated the building of an 185,000 sq. ft. building would be not less than a significant impact without an open space percentage allotted. He added that there are no performance standards. He proposed options to the Commission and indicated that the EIR needs work.

John Van Landschoot, resident - He agreed with Commissioner Donaghue's request to create a "roadmap" for Commissioners and the public to follow with points covered in a general way. He felt the plan review should be done in a bigger venue at either the Dona Benicia Room or Council Chambers. He added that the Planning Commission should be invited to meeting.

Kathleen Olson, realtor - She read a letter submitted and on behalf of Dennis Owens.

A representative for the Law Offices of Dana Dean noted that she was available to answer any questions regarding the package submitted at the October 22nd meeting.

VI. COMMUNICATIONS FROM STAFF

A. MILLS ACT INSPECTIONS – Continued from November 19, 2009

At the October 22nd meeting, Commissioner Mang requested that the Commission be involved in the Mills Act inspection process. Staff and the Commission will discuss this request.

As Commissioner Mang is absent, this item is continued to the next meeting.

B. PROFESSIONAL QUALIFICATIONS FOR CERTIFIED LOCAL GOVERNMENT

As part of the Certified Local Government Annual Report, each Commissioner must complete a “Professional Qualifications” form. If a Commissioner meets specific professional requirements, additional information is required. Staff will distribute this form to all Commissioners. Forms must be completed no later than December 22nd.

Gina Eleccion gave the Commissioners direction on completing the Professional Qualifications form and asked that resumes and additional experiences be provided.

C. UPCOMING AGENDA ITEMS

Staff will update the Commission on upcoming agenda items and the status of ongoing projects.

Gina Eleccion gave an update and noted that staff will work on setting the agenda with Chair Haughey.

VII. COMMUNICATIONS FROM COMMISSIONERS

With regard to the Historic Context Meetings, Chair Haughey spoke briefly about the three areas lacking documentation, which were ethnic communities, post WWII and industries after 1900. She also indicated that she would like to make sure the owner of the former building that housed Captain Blyther’s understands that he cannot change the structure without proper review and ask for forgiveness later. Chair Haughey also expressed concerns about including the Planning Commission in the workshop for the Lower Arsenal Mixed Use Plan, citing that it would be counter productive. Commissioner Donaghue agreed.

Chair Haughey noted that damage occurred when utilizing the Commanding Officer’s Quarters for the Designer Showcase. She indicated that people were not given parameters, and there were significant scratches on the floor. Gina Eleccion explained that the folks in charge of the building should hear concerns of the HPRC and will prepare and agendize a formal documented action to require an annual presentation regarding the COQ by Parks staff. She added that the Commission could have a discussion to incorporate standards and recommend standards of use.

Commissioner Taagepera asked about the IOOF building and discussed looking at updating definitions of emergency and repair. She also asked about the Old Depot and a workshop on better understanding fees so that Commissioners could correctly answer questions. Gina Eleccion indicated the IOOF is not coming back before the Commission, and that she had not heard anything new with regards to the Depot. She also indicated that the fees were recently reduced by Council under the Master Fee Schedule.

VIII. ADJOURNMENT

Chair Haughey adjourned the meeting at 8:16pm

AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION MEETING
JANUARY 28, 2010
REGULAR AGENDA ITEMS

DATE : January 19, 2010

TO : Historic Preservation Review Commission

FROM : Amy Million, Consulting Planner

SUBJECT : **DESIGN REVIEW REQUEST TO CONSTRUCT A NEW GARAGE
IN THE REAR YARD OF AN EXISTING SINGLE-FAMILY
RESIDENCE LOCATED AT 255 WEST K STREET**

PROJECT : 09PLN-00097 Design Review
255 West K Street
APN: 0087-161-160

RECOMMENDATION:

Approve design review request to construct a garage in the rear yard of the property located at 255 West K Street, based on the findings and conditions of approval set forth in the proposed resolution.

EXECUTIVE SUMMARY:

The applicant requests design review approval to construct a garage in the rear yard of an existing single-family residence. The residential building is designated as a contributing building to the Downtown Historic District.

ENVIRONMENTAL ANALYSIS:

Staff has reviewed the project and determined that it is Categorically Exempt under Section 15331 of the California Environmental Quality Act (CEQA) which applies to projects limited to the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the federal Secretary of the Interior's Standards for the Treatment of Historic Properties. Although the proposed building is not a historic resource, it is located on a property with a building that contributes to the Downtown Historic District. The effects of the proposed project on this historic resource are evaluated.

BACKGROUND:

The subject parcel is located on the north side of West K Street between West Second and West Third Street. The subject property is developed with a two-story single-family residence towards the front of the lot with vacant rear and side yards. The existing residential building is Craftsman style architecture built circa 1920. The property was surveyed in 2004 as part of the Downtown Historic District survey.

SUMMARY:

Project Description

The proposal is to construct a new one-story, 875 square foot garage in the rear of the subject property. The proposed garage is 35 feet wide, 25 feet deep and 15 feet in height. It would be located on the northwest corner of the property and accessed via an existing driveway that runs along the west property line approximately half the length of the parcel. The existing driveway will be extended to the new garage.

The two-car garage is designed with a 12-foot wide garage door, single entry door and a six-over-one aluminum clad window on the south façade. The east facade has two, six-over-one aluminum clad windows and the north side has one, four-over-one aluminum clad window. There is no fenestration on the west façade. The new garage will also accommodate a full bath.

Building Materials:

The new wood frame building is proposed to be finished with 8 inch horizontal redwood siding, a 12 foot wide garage door, aluminum clad windows and a composition shingle roof supported with brackets similar to that of the main building. The proposed siding will have a slightly curved finish and wider than the existing original square siding on the residence. The proposed windows are Marvin brand single-hung.

Paint Colors:

The applicant is proposing a paint palette to match this existing residence. The exterior siding will be a darker tone tan color, the trim will be a dark green color and the exterior windows will be a dark reddish-brown color. The garage door will be a dark green color, to match the trim. The proposed colors were provided by the applicant on a large color board and will be presented to the Commission for their review at the meeting and kept on file with the Public Works and Community Development Department.

Zoning Ordinance Consistency

The subject property is zoned RS, Single-Family Residential and is in the H-Overlay district. The proposed project is consistent with the purposes of the Zoning Ordinance.

| | Ordinance Requirement | Proposed |
|----------------|----------------------------|-------------|
| Rear Setback * | 15 ft. | 3 ft. |
| Side Setback * | 5 ft. | 3 ft. |
| Height | 20 ft. (pitched roof) | 15 ft. |
| Lot Coverage | 40% | Approx. 30% |
| Parking | 2 including 1 covered/unit | 2 covered |

* The rear and side setback can be reduced for detached accessory structures which meet the requirements of BMC Section 17.70.50 A (4). The proposed garage is located 3 feet from the rear and side property lines which allows a maximum wall height of 9 feet and a maximum height of the pitched roof to be a maximum of 20 feet. The wall height is proposed to be 8 feet and the height to the peak of the pitched roof is 12 feet. The requirements for nonresidential accessory structures are met.

Downtown Historic Conservation Plan Consistency

The subject property is located in the Downtown Historic District and therefore is subject to the policies and guidelines set forth in the Downtown Historic Conservation Plan (DHCP). The policies in the DHCP used to evaluate the appropriateness of the proposed project within the Historic District are the Design Guidelines Residential Building Types, New Construction. The Plan encourages accessory buildings such as garages to be compatible with the main structure visual prominence and function. The proposed garage is a one-story structure with a mildly pitched roof to be compatible with the scale and form of the existing historic building. The Plan also encourages the use of materials and finishes which complement the materials and styles of the historic buildings. Under the Plan, horizontal wood siding is a preferred principal building material. The proposed Marvin windows will be compatible with the size and style of the existing windows on the residence.

Secretary of the Interior’s Standards for Rehabilitation “Standards”

The subject property is the site of a contributing building to the Downtown Historic District. As a designated historic resource under CEQA, all exterior changes must comply with the Secretary of the Interior’s Standards for the Treatment of Historic Properties. Staff is evaluating this project under the Treatment of Rehabilitation. Rehabilitation means *the act or process of making possible an efficient compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural values. According to those Standards, when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, rehabilitation may be considered as a treatment.* Although typically new construction projects evaluated under Rehabilitation are additions to the historic structure itself, staff is applying this Treatment to the property as a whole as it contributes to the Historic District and its effects on the designated resource.

According to the DHCP, the Downtown Historic District boundary is based on the existence of the *longest continuity of use and the highest concentration of historic buildings.* The criteria for recognizing buildings as historically significant are age, architectural integrity and architectural/historical distinction.

The proposed garage is located within the rear setback of the subject property and approximately 22 feet from the designated historic structure. The proposed garage is minimally visible from the public right-of-way and is smaller in scale than the existing single-family residence at one-story so that it does not detract from the resource. It is common throughout the historic district to have detached structures in the rear yard of properties. The subject block has a slightly different development pattern, however, the adjacent block to the south has several lots that are developed with a rear yard accessory structure. Although some of these structures are associated with the early construction periods of the district, historically they have not been included in the historic evaluation of the properties. The proposed garage does not affect the age, architectural integrity and architectural/historical distinction of the contributing building on the property or the historic district. Therefore the proposed new construction is consistent with the Standards and does not have a significant adverse impact on the historic resource.

FURTHER ACTION:

The Historic Preservation Review Commission's action will be final unless appealed to the Planning Commission within ten business days by filing of the appropriate form and payment of the appropriate fee.

Attachments:

- Consistency Analysis: Secretary of the Interior's Standards for Rehabilitation
- Applicable Downtown Historic Conservation Plan Guidelines
- Project Plans
- Department of Parks and Recreation Forms A&B prepared by Roland-Nawi Associates
- Proposed Resolution

**CONSISTENCY ANALYSIS:
SECRETARY OF THE INTERIOR'S
STANDARDS FOR REHABILITATION**

Project Consistency Analysis: Secretary of Interior's Standards for Rehabilitation

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.

When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, rehabilitation may be considered as a treatment.

The bold text are the Secretary of Interior's Standard for Rehabilitation guidelines. The regular text is staff's response about how the particular guideline or policy relates to the proposed project.

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.**

The existing residential use will not change. The proposal will add a garage in the rear enabling the use of the property to be updated to accommodate a more modern lifestyle. The new garage does not alter any of the existing distinctive materials or features that characterize the historic resource. The previously vacant rear yard will be developed with a new structure, however, the historic significance of this building is based on its age and architectural features, and therefore, this change does not contribute to a significant impact to the space or spatial relationship of the historic structure.

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.**

The proposed garage will not remove any of the distinctive materials or impair the features, spaces or spatial relationships that characterize the property. According to the purpose of the Downtown Historic District, the rear yard is not a feature that characterizes a historic resource. The resources in the District are defined through the buildings; their age and architectural feature. The new garage will respect the historic resource through physical separation and design compatibility without matching distinctive characteristics.

- 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.**

The proposed materials and design of the garage are compatible with the existing historic resource, but do not duplicate the character defining features. Details such as the siding, scale, form, windows, are compatible, but different so that a false sense of historic development is not created. The proposed garage will appear as new construction. No features or elements from other historic property will be added.

- 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.**

The new garage will respect the historic resource by using a design and construction materials that are compatible with the historic structure without exactly matching. The proposed alterations will not alter any changes to the property that may have acquired historic significance in its own right.

- 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.**

No distinctive materials, features, finishes and construction techniques will be removed.

- 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.**

There are no deteriorated historic features proposed for repair or replacement as part of this project.

- 7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.**

No chemical or physical treatments are proposed to be undertaken that may cause damage to the historic resource. The proposed project is in the rear of the property away from the historic building.

- 8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.**

The proposed construction is on a pre-developed parcel and requires minimal site work; therefore the possibility of disturbing archeological resources is unlikely. However, should such a resource be discovered, mitigation measures will be undertaken through the building inspection process. Generally, this standard does not apply to this project.

- 9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.**

According to the DHCP, the resources in the Downtown Historic District are defined through the buildings; their age and architectural feature. The new garage will respect the historic

resource on the property through physical separation and compatibility of design and materials without matching.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

If the new garage were to be removed in the future, the essential form and integrity of the historic property would not be impaired.

**APPLICABLE DOWNTOWN HISTORIC
CONSERVATION PLAN GUIDELINES**

Applicable Downtown Historic Conservation Plan Policies and Guidelines

The policies in the Design Guidelines for Residential Building Types, New Construction are as follows:

- Policy 1: Siting and Setbacks. New residential development should maintain the pattern of building setbacks, spacing and siting of the adjoining historic residences and the neighborhood as a whole.
- Policy 2: Scale, Form and Massing. Encourage building forms which are similar in scale, form and massing to neighborhood single-family residential structures, particularly those of historic merit. .
- Policy 3: Architectural Style and Character. Discourage designs which call undue attention to themselves in favor of those which reflect the architectural qualities that tie the building of the district together.
- Policy 4: Accessory Buildings. Accessory building such as garages, storage sheds, studios or workshops should be compatible with the main structure and detailed in accordance with the structure's visual prominence and function.
- Policy 5: Encourage the use of materials commonly used for the construction and finishing of historic buildings in the district and colors which complement those materials and styles.

Given the proposed scope of work, the following DHCP guidelines apply to this property:

- Guideline 2.1: Ensure that the basic structure and form of the building is well balanced and well composed with respect to window and door openings.
- Guideline 4.2 Accessory structures should be constructed of the same materials and finished in the same colors as the main structure.
- Guideline 5.1: Horizontal wood siding is a preferred principal building material.
- Guideline 5.11: Composition shingle in a similar or darker tone than the building walls should generally be used for roofing.

PROJECT PLANS

**DEPARTMENT OF PARKS AND RECREATION
FORMS 523 A & B**

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #:
HRI #
Trinomial
NRHP Status Code:
Other Listings

Review Code _____ Reviewer _____ Date _____

- *Resource Name or #: 255 West K Street
*P1. Other Identifier:
*P2. Location: *a. County Solano
b. Address: 255 West K Street
*c. City: Benicia Zip 94510
d. UTM: N/A
e. USGS Quad: Benicia T2N R3W MDM
*f. Other Locational Data (APN #): 87-161-16

***P3a. Description**

This is a rectangular plan Craftsman Bungalow with a projecting porch. The house has a cross gable roof of moderate pitch. Wide gable overhangs are supported on knee brace brackets and the wide eave overhangs exhibit exposed rafters. The gable is trimmed with a plain fascia and the gable end is clad with rustic shingles. A gable roofed porch occupies the east side of the front façade. The projecting porch roof is supported on battered posts set on square piers. The porch rail is enclosed. A wooden stair has a stepped balustrade. An elaborate paneled and glazed oak door is flanked with multi-light sidelights. Fenestration on the front elevation consists of a central window flanked by double hung side lights on the west side of the façade and paired double hung windows on the east. Other fenestration is double hung with decorative upper sash. The house has been placed on a raised foundation since 1986.

*P3b. Resource Attributes: HP2

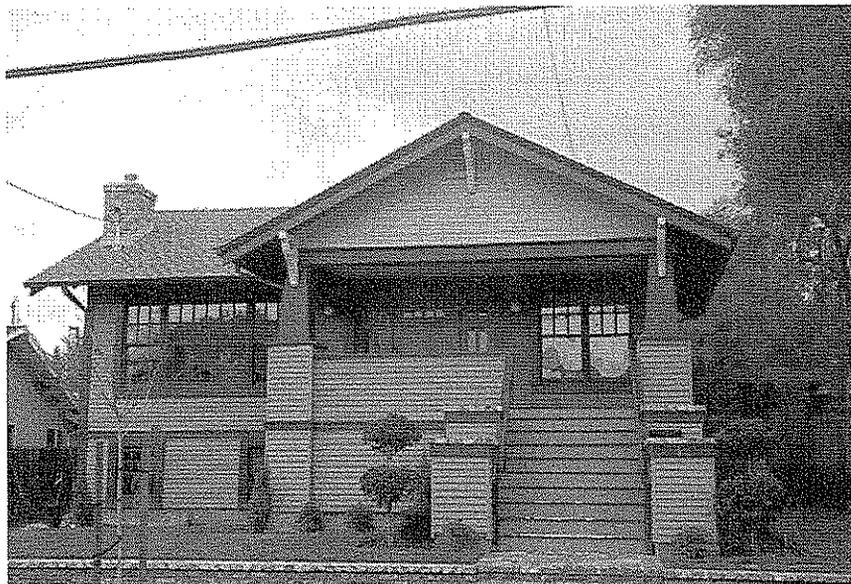
*P4. Resources Present: Building Structure Object Site District Element of District

***P5b. Description of Photo:**

Front façade, view north

*P6. Date Constructed/Age: 1920

P5. Photograph or Drawing (Photograph required for buildings, structures, and objects.)



Prehistoric Historic Both

***P7. Owner and Address:**

Deanne Ponder
255 West K Street
Benicia, CA 94510

***P8. Recorded by:**

Carol Roland
Roland-Nawi Associates
4829 Crestwood Way
Sacramento, CA 95822

*P9. Date Recorded: 11-20-04

*P10. Type of Survey: Intensive
 Reconnaissance Other

Describe Eligibility Evaluation

*P11. Report Citation: none

*Attachments: NONE Map Sheet Continuation Sheet Building, Structure, and Object Record Linear Resource Record Archaeological Record District Record Milling Station Record Rock Art Record Artifact Record Photograph Record Other (List):

BUILDING, STRUCTURE, AND OBJECT RECORD

*Resource Identifier: 255 West K Street

*NRHP Status Code: 3D

B1. Historic Name: N/A

B2. Common Name: same

B3. Original Use: Residential

B4. Present Use: Residential

*B5. Architectural Style: Craftsman

B7. Moved? No Yes Unknown

Date: N/A Original Location: same

*B8. Related Features: None

B9a. Architect: unknown

B9b. Builder: unknown

*B10. Significance: Theme: Benicia Downtown District

Period of Significance: 1847-1940 Property

Type: Single Family Applicable Criteria: A / C

This house is a good example of its architectural style and has been rehabilitated in the past twenty years. Earlier replacement fenestration has been replaced with the installation of period appropriate windows. The house has been placed on a raised foundation. At the time of the 1986 historic survey it did not have a visible basement. This latter alteration creates a historically inauthentic appearance, but is not so dramatic as to substantially impair the integrity of the house which is otherwise intact. The house contributes to the Downtown Historic District and should continue to do so.

B11. Additional Resource Attributes: N/A

B12. References: McAlester, Virginia and Lee. *A Field Guide to American Houses*. New York: Alfred Knopf (1986); Bruegmann, Robert. *Benicia Portrait of an Early California Town: An Architectural History* (San Francisco: 101 Productions (1980); Woodbridge, Sally and Cannon Design Group. *Benicia, California: Downtown Historic Conservation Plan*. City of Benicia, 1990; Sanborn Map Benicia, CA. 1886; 1986 Benicia Historic Inventory form.

State of California — The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
BUILDING, STRUCTURE, AND OBJECT RECORD

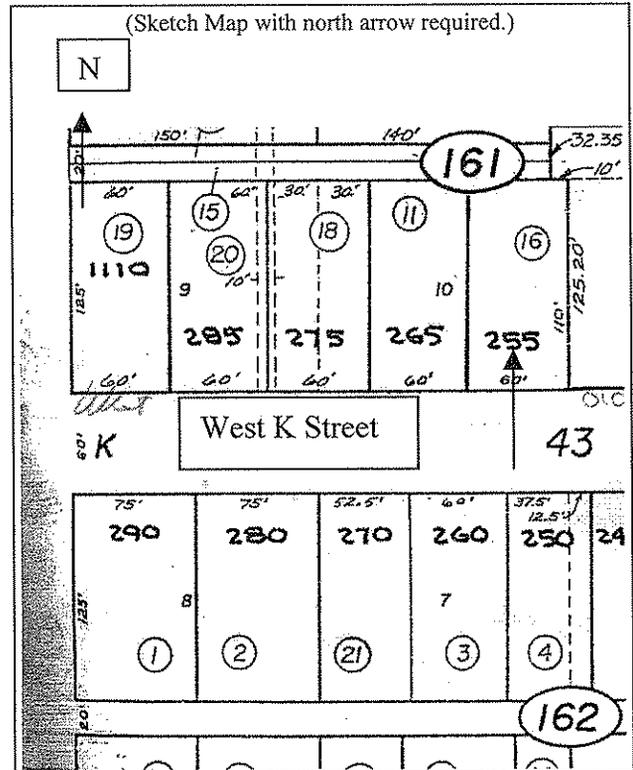
Primary #:
 HRI#

Remarks: N/A

B14. Evaluator: Carol Roland, Ph.D.

Roland-Nawi Associates: Preservation Consultants
 4829 Crestwood Way
 Sacramento, CA 95822

B 15. Date of Evaluation: 11-22-04



(This space reserved for official comments.)

PROPOSED RESOLUTION

RESOLUTION NO. 10- (HPRC)

A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA APPROVING DESIGN REVIEW REQUEST TO CONSTRUCT A NEW GARAGE IN THE REAR YARD OF AN EXISTING SINGLE-FAMILY RESIDENCE LOCATED AT 255 WEST K STREET (09PLN-97)

WHEREAS, John Laverty, applicant, on behalf of Jim and Deanne Ponder, property owners, requested design review approval to construct a new detached garage in the rear yard of the an existing contributing building located at 255 West K Street; and

WHEREAS, the Historic Preservation Review Commission at a regular meeting on January 28, 2010 conducted a public hearing and reviewed the proposed project.

NOW, THEREFORE BE IT RESOLVED that the Historic Preservation Review Commission of the City of Benicia hereby finds that:

- a) This project is Categorically Exempt under Section 15331 of the CEQA Guidelines, as a new construction project on a property with a contributing building to the Downtown Historic District.
- b) The project is consistent with the Downtown Historic Conservation Plan Design Guidelines. The new accessory structure is compatible with the main structure and the historic district through its use of similar materials, colors and finishes.
- c) The project is consistent with the policies in the Benicia General Plan. The project is consistent with *Policy 3.1.5: Permit new development, remodeling and building renovation in historic districts when consistent with the policies of the applicable Historic Conservation Plan*; and *Policy 3.1.2: Enhance the economic potential of historic and architectural.*

BE IT FURTHER RESOLVED that the Historic Preservation Review Commission of the City of Benicia hereby approves the proposed project subject to the following conditions:

1. This approval shall expire two years from the date of approval, unless made permanent by the issuance of a building permit. The applicant may request, in writing, a one-year extension from the Public Works and Community Development Director.
2. The plans and maps submitted for approval and development of the site shall be in substantial compliance with the plans dated received "December 4, 2009" marked Exhibit "A" and consisting of 4 sheets on file in the Public Works and Community Development Department.
3. Any alteration of the approved plans, including substitution of materials or changes in paint colors, shall be requested in writing and approved by the Public Works and Community Development Director or designee prior to changes being made in the field.

4. The project shall adhere to all applicable ordinances, standard plans, and specifications of the City of Benicia.
5. The siding shall be redwood siding with an 8-inch exposure (width).
6. The roof material shall be a composition shingle roof. The color shall match or be in substantial compliance with the color of the existing historic residence.
7. The windows shall be the proposed aluminum clad, single-hung Marvin brand windows or equivalent.
8. The paint colors for the exterior siding, trim and windows shall be in substantial compliance with the color board dated received "December 22, 2009" marked Exhibit "B" on file in the Public Works and Community Development Department.
9. The applicant or permittee shall defend, indemnify, and hold harmless the City of Benicia or its agents, officers, and employees from any claim, action, or proceeding against the City of Benicia or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Public Works and Community Development Director's, Historic Preservation Review Commission or any other department, committee, or agency of the City concerning a development, variance, permit or land use approval which action is brought within the time period provided for in any applicable statute; provided, however, that the applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the applicant's or permittee's defense of said claims, actions, or proceedings.

* * * * *

On motion of Commissioner _____, seconded by Commissioner _____, the above Resolution was adopted at a regular meeting of the Historic Preservation Review Commission on January 28, 2010 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Toni Haughey, Historic Preservation Review Commission Chair



Public Works & Community Development Department
MEMORANDUM

Date: January 20, 2010
To: Historic Preservation Review Commission
From: Gina Eleccion, Management Analyst *AE*
Re: Certified Local Government (CLG) Annual Report

As a Certified Local Government, the City is required to submit an annual report by December 31st of each calendar year. The 2008-2009 report is attached for Commission review and discussion. In addition, note that this is on the Commission's "Priority List of Discussion Items" and will be forwarded to the Commission annually. For the 2009-2010 reporting cycle, the Commission will review the report prior to its submittal.

Attachment:

- 2008-2009 CLG Annual Report (w/o attachments)

Certified Local Government Program – 2008-2009 Annual Report
(Reporting period is from October 1, 2008 through September 30, 2009)

City of Benicia

Report Prepared by: Gina Eleccion

Date of commission/board review: To be reviewed January 28, 2010 – 2009/2010 report will be reviewed in November 2010

Minimum Requirements for Certification

I. Enforce Appropriate State or Local Legislation for the Designation and Protection of Historic Properties.

A. Preservation Laws

- What amendments or revisions, if any, are you considering to the certified ordinance? Please forward drafts or proposals. (Pursuant to the CLG Agreement, OHP must have the opportunity to review and comment on ordinance changes prior to adoption. Changes that do not meet the CLG requirements could affect certification status.) **(none pending)**
- Provide an electronic link to your ordinance or appropriate section(s) of the municipal code. **(previously provided to OHP)**

B. New Local Landmark Designations (Comprehensive list of properties/districts designated under local ordinance)

- What properties/districts have been locally designated (or de-designated) this past year? For districts, provide a list of resource contributors and noncontributors. **(property list/map attached)**
- Reminder, pursuant to California Government Code § 27288.2, "the county recorder shall record a certified resolution establishing an historical resources designation issued by the State Historical Resources Commission or a local agency, or unit thereof." Have you done this? **(in process – certified resolution sent to County Recorder)**

| Property Name/Address (see attached list/map) | Date Designated/Removed | Date Recorded by County Recorder |
|--|-------------------------|----------------------------------|
| | March 17, 2009 | In process |

Certified Local Government Program – 2008-2009 Annual Report
(Reporting period is from October 1, 2008 through September 30, 2009)

C. Historic Preservation Element/Plan

- Have you made any updates to your historic preservation plan or historic preservation element in your community's general plan? If you have, provide a copy or electronic link. – **No updates made in this reporting cycle.**
- If you address historic preservation in your general plan, is it in a separate historic preservation element or is it included in another element? - **Included in the Community Identity element.**
- Provide an electronic link to the historic preservation section(s) of the General Plan. **(previously provided to OHP)**
- When will your next General Plan update occur? – **Unknown.**

D. Review Responsibilities

C.1 Design Review/Certificates of Appropriateness

- Who takes responsibility for design review or Certificates of Appropriateness?
- Do all projects subject to design review go the commission, or are some reviewed at the staff level without commission review?
- What is the threshold between staff-only review and full-commission review?

Staff-level Design Review

The Community Development Director or Designee reviews the following projects:

- All projects involving less than 2,500 sq. ft. of floor area (other than single-family homes) in the CG, CC, CW, CO, RM, RH, IP, OS, and PD districts.
- All projects of any size in the IG, IL and IW districts.
- All paint color changes in the above categories, as well as in the Downtown Historic Overlay District.
- All non-historic single-family homes in the Arsenal Historic Conservation District (see information sheet on "Design Review of Non-Historic Single-Family Homes in the Arsenal Historic District").
- All routine maintenance of non-historic single-family and duplex residences in the central area of the Downtown Historic Overlay District.

Commission-level Design Review

The Historic Preservation Review Commission reviews the following projects:

Certified Local Government Program – 2008-2009 Annual Report
(Reporting period is from October 1, 2008 through September 30, 2009)

- All projects involving 2,500 sq. ft. or more of floor area (other than single-family homes) in the CG, CN, CW, CO, RM, RH, IL, IP, OS, AND PD districts.
- All projects in the H overlay districts, including demolitions of buildings. Major and minor design review of non-historic single-family and duplex residences now require review by the Commission.

C.2 California Environmental Quality Act

- What is the role of the staff and commission in providing input to CEQA documents prepared for or by the local government?
- What is the role of the staff and commission in reviewing CEQA documents for projects that are proposed within the jurisdiction of the local government?

The City of Benicia has established, in its General Plan, specific goals and policies to protect the environment, and the Zoning Ordinance implements those policies through the discretionary permit review process. The City's Environmental Review Guidelines state that all projects requiring discretionary permit approval, that are not specifically exempt from CEQA, are subject to environmental review.

Planning staff reviews the application package and determines the level of review needed. If an Initial Study is required, either the Planning staff will prepare the study, or an outside consultant will be retained to prepare the study. The Initial Study will result in one of the following determinations;

1. That the proposed project does not have the potential for a significant impact on the environment, and a negative declaration will be prepared; or,
2. That although the proposed project could have the potential for a significant impact on the environment, there will not be a significant impact due to the mitigation measures incorporated into the project. The applicant must agree in writing to incorporate all identified mitigation measures into the project design or operation. In that case, a mitigated negative declaration will be prepared; or
3. That the proposed project has the potential for a significant impact on the environment, and an EIR is required.

If a Negative Declaration is appropriate, a draft Negative Declaration will be prepared for the project review by the decision-making body. The decision-making body must review and approve the Negative Declaration following a public hearing prior to any action on the project itself. Normally, the review of the Negative Declaration takes place concurrently with the project review. The Negative Declaration process takes a maximum of 105 days from the date the application is accepted as complete.

If an EIR is needed, all concurrent permit processing is postponed until the EIR process is completed. The decision-making body must certify the EIR prior to considering and taking action on the project itself. Once the EIR is certified, the environmental review process is completed.

Certified Local Government Program – 2008-2009 Annual Report
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This process is applicable to projects affecting historical resources, because historic resources are subject to discretionary permits and reviews, which are subject to CEQA.

C.3 Section 106 of the National Historic Preservation Act

- What is the role of the staff and commission in providing input to Section 106 documents prepared for or by; the local government?
- What is the role of the staff and commission in reviewing Section 106 documents for projects that are proposed within the jurisdiction of the local government?

When necessary/required, City staff works in conjunction with OHP for review and input on Section 106 documents and projects.

II. Establish an Adequate and Qualified Historic Preservation Review Commission by State or Local Legislation.

A. Commission Membership

- Who are the current members (and alternates, if applicable)?
- Do they represent a professional discipline or do they represent a public role?
- What is their date of appointment and when does their appointment expire?
- What is their email address?
- Include resumes and Qualifications Review forms for all members. If your do not have two qualified professionals on your commission, why have the professional qualifications not been met and how is professional expertise being provided? If all positions are not currently filled, why is there a vacancy, and when will the position will be filled?

| Name | Discipline | Date Appointed | Date Appt. Expires | Email Address |
|--------------------|---|-----------------------------------|--------------------|-----------------------------|
| Patrick Donaghue | General Contractor/Historic Property owner | March 1, 2005 January 17, 2006 | March 2010 | patrick@donaghue.com |
| Michael White | Landscape Contractor | February 21, 2006 | March 2011 | mwbencia@comcast.net |
| Chuck Mang | Construction Superintendent | May 1, 2007 | March 2011 | chuckmang@sbcglobal.net |
| David Crompton ** | Principal Planner | March 4, 2008 | March 2012 | dcrompton@ci.danville.ca.us |
| Leann Taagepera ** | Environmental Planner/Historic Property owner | March 4, 2008 | March 2012 | lktoride@sbcglobal.net |
| Steve McKee ** | Architect | March 4, 2008 August 18, 2009 | July 2013 | mckee@sbcglobal.net |
| Toni Haughey | Realtor/Historic Property owner | March 1, 2005 August 18, 2009 | July 2013 | tonihaughey@hotmail.com |

Certified Local Government Program – 2008-2009 Annual Report
(Reporting period is from October 1, 2008 through September 30, 2009)

**** Designates Qualified Professionals (per OHP’s definitions)**

We currently have three qualified professionals on the Commission, with a number of licensed contractors also on the Commission. In addition to our three qualified professionals, we have professionals in the construction, real estate, and landscape field, all with an interest in historic preservation.

B. Commission Staff

- Who are your current commission/CLG staff? - See table below
- What are their disciplines, and their dates of appointment/assignment? – See table below
- Is the staff to your commission the same as your CLG coordinator? - Yes - Gina Eleccion, Management Analyst
- Include resumes and Qualifications Review forms for all new staff. – No new information
- If the position(s) is not currently filled, why is there a vacancy?

| Name/Title | Discipline | Dept. Affiliation | Email Address |
|----------------------------------|-------------------------------------|-------------------|----------------------------|
| Charlie Knox, Director | Professional Planner | Director | cknox@ci.benicia.ca.us |
| Gina Eleccion/Management Analyst | Planning Project/Program Management | CLG Coordinator | geleccion@ci.benicia.ca.us |

C. Attendance Record

- Please attach in chart form for each commissioner and staff member, the attendance records for meetings. Commissions are required to meet four times a year, at a minimum. **(Chart attached)**

D. Training Received

- What training has each commissioner and staff member received, including descriptions and dates of training, and training provider? Remember it is a CLG requirement is that all commissioners and staff to the commission attend at least one training program relevant to your commission each year. It is up to the CLG to determine the relevancy of the training.

| Commissioner/Staff Name | Training Title & Description | Training Provider | Date |
|---|----------------------------------|--------------------------------|---------------|
| Gina Eleccion, Management Analyst Mike Marcus, Assistant Planner | Identifying Historic Integrity | CPF (San Francisco, CA) | November 2008 |
| David Crompton, Commissioner | Historic Preservation Workshop - | League of CA Cities – Planners | March 2009 |

Certified Local Government Program – 2008-2009 Annual Report
(Reporting period is from October 1, 2008 through September 30, 2009)

| Commissioner/Staff Name | Training Title & Description | Training Provider | Date |
|--|---|---|------------|
| Leann Taagepera, Commissioner | "How to Engage the Community" AEP Conference (Multiple relevant topics) | Institute (Anaheim, CA) Association of Environmental Professionals (San Francisco, CA) | March 2009 |
| Gina Eleccion, Management Analyst Chuck Mang, Commissioner | CLG & Historic Resources | State Office of Historic Preservation (Davis, CA) | April 2009 |
| Gina Eleccion, Management Analyst Toni Haughey, Commissioner Steve McKee, Commissioner Mike White, Commissioner | Keeping Time II - A Historic Preservation Conference | Tuolumne County State Office of Historic Preservation | June 2009 |

III. Maintain a System for the Survey and Inventory of Properties that Furthers the Purposes of the National Historic Preservation Act

A. Historical Contexts

- Have you initiated, researched, or developed any historic contexts? If you have, list and describe in several sentences each historic context, how it is being used, and the date submitted to OHP (California CLG procedures require CLGs to submit survey results including historic contexts, to OHP.) If you have not done so, submit a copy with this report.

| Context Name | Description | How it is Being Used | Date Submitted |
|-------------------|-------------|----------------------|----------------|
| Not applicable ** | | | |

**** CLG Grant was awarded to Benicia for the development of a historic context statement. Grant was awarded in June 2009. Project will be completed in the upcoming CLG reporting cycle.**

B. New Surveys (excluding those funded by OHP)

- Have you carried out any surveys or re-surveys? If you have, list the area surveyed, level (reconnaissance or intensive), acreage, number of properties surveyed, and the date you submitted the survey to OHP. (California CLG procedures require CLGs to submit survey results including historic contexts, to OHP.) If you have not done so, submit a copy with this report.
- Keep in mind that the evaluation of a single property is not a survey. Also, material changes to a property that is included in a survey, is not a change to the survey and should not be reported here.
- How are you using the survey data?

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| Area | Context Based-yes/no | Level: Reconnaissance or Intensive | Acreage | # of Properties Surveyed | Date |
|------------------------------------|----------------------|------------------------------------|---------|--------------------------|----------------------|
| Downtown Historic Overlay District | No | Intensive | | 304 | Adopted – March 2009 |

Draft document submitted to SHPO on August 10, 2007. Staff addressed comments from SHPO through additional review by an ad hoc committee. Updated historic resource inventories were adopted by City Council in March 2009. Updated forms are being used to determine compatibility of design review requests with the Secretary of the Interior Standards for the Treatment of Historic Properties.

C. Changes to Inventories

- Have you made corrections to your inventory of historic properties, or have you identified any corrections that need to be made? **(included in survey update noted above)**
- If you have, what are the reasons for the changes (new information, alteration [approved/not approved], demolition [approved/not approved], etc.)? **(included in survey update noted above)**
- Have you changed the status codes of any properties in your inventory? Submit the changes with this report. **(included in survey update noted above)**

| Property Name/Address | Additions/Deletions to Inventory | Changes to Status Codes | Reason | Date of Change |
|---------------------------|----------------------------------|-------------------------|--------|----------------|
| Included in survey update | | | | |

IV. Provide for Adequate Public Participation in the Local Historic Preservation Program

A. Public Education

- What public outreach, training, or publications programs have you undertaken? Please provide copy of (or a link to) all publications or other products not previously provided to OHP.

| Item or Event | Description | Date |
|-----------------------------------|---|----------|
| May – National Preservation Month | Various events and information distributed. Banner in City Park announcing National Preservation Month; presence at Farmers' Market with historic preservation information; Meet and Greet for Commission, City staff and public (various outreach documents enclosed) | May 2009 |

In addition to the minimum CLG requirements, OHP is interested in a Summary of Local Preservation Programs

What is the current status of preservation in your community? What are the most critical preservation planning issues?

The City is in the process of developing a historic context statement, made possible by the awarding of a CLG grant. Like many jurisdictions, we have various needs to update/simplify existing regulations, however, budgetary constraints have forced us to focus our efforts on smaller, less costly projects.

What is the single accomplishment of your local government this year that has done the most to further preservation in your community?

The March 2009 adoption of the historic resource inventory update was extremely important. In addition, the awarding of the CLG grant for the development of a historic context statement is significant. The context will provide a much-needed resource for both staff and the community.

What incentives are you providing for historic preservation in your community, e.g., loan or grant programs, property tax reduction, zoning variances, etc.? What programs are you offering, what is the public utilizing, and how successful are the programs in promoting historic preservation? Please provide a brief overview narrative.

| Name or Type of Incentive Program | How many properties have benefited? |
|-----------------------------------|-------------------------------------|
| Mills Act Program | 30 properties |

Benicia currently has 30 properties under Mills Act contracts. The program has been well received and continues to promote the City's commitment to historic preservation. Through the annual inspection process, and subsequent follow-up, additional maintenance issues have been resolved on these properties.

What recognition are you providing for successful preservation projects or programs?

A previous design award program through the Benicia Main Street Program and the Benicia Historical Society will be resurrected this year.

How did you meet or not meet the goals identified in your annual report for last year?

1. City Council adopted updated Historic Resource Inventory in March 2009

Certified Local Government Program – 2008-2009 Annual Report
(Reporting period is from October 1, 2008 through September 30, 2009)

2. CLG grant was awarded for a Historic Context Statement. Work on this project has begun
3. Staff has begun researching an update to the Downtown Historic Conservation Plan

What are our local historic preservation goals for 2009-2010?

1. Development and adoption of a Historic Context Statement
2. Education and implementation of recently adopted Climate Action Plan, particularly in relation to Historic Preservation
3. Additional public outreach efforts through the City's website, Benicia Main Street, downtown merchants, City Hall facilities, and the Benicia Public Library.

So that we may better serve you in the future, are there specific areas and/or issues with which you could use technical assistance from OHP? In what subject areas would you like to see training provided by the OHP? How you like would to see the training conducted (workshops, online, technical assistance bulletins, etc.)?

When doing local training sessions, it would be beneficial to have examples or case studies of local projects from our jurisdiction.

Would you be willing to host a training workshop in cooperation with OHP?

Benicia would welcome the opportunity to host training sessions. We did this in 2008, and publicized this to neighboring jurisdictions. The feedback we received was extremely positive. Particularly in these lean economic times, it would be beneficial to coordinate with multiple jurisdictions to provide valuable training to a variety of organizations and jurisdictions.

XII Attachments

- Resumes and Qualifications Review Forms for all commission members/alternatives and staff
- Minutes from commission meetings
- Attendance records of commissioners and staff
- Electronic link historic preservation ordinance/section of municipal code (provided via email)
- Electronic link to historic preservation section(s) of the General Plan (provided via email)
- Drafts of proposed changes to the ordinance (Not applicable)
- Public-outreach-publications (none updated in reporting cycle)
- Revised-or-amended-preservations-plans/elements-(not applicable)
- Updated Historic Designation Documents
- National Preservation Month Outreach Documentation



Public Works & Community Development Department
MEMORANDUM

Date: January 21, 2010
To: Historic Preservation Review Commission
From: Gina Eleccion, Management Analyst *GE*
Re: Listing Process for Historic Resources to Regain Historic Status

At its March 17, 2009 meeting, and as part of the historic resource inventory update discussion, City Council directed staff to develop a process that allows a potentially eligible property that goes through a restoration to gain historic status.

In Section 17.54.090, there is an existing process for initiating and designating landmarks. This chapter could be amended to include a clearer process for any resource to gain or regain historic status. Staff recommends addition of the term "contributing historic structure", so that more than landmarks are addressed. Staff also recommends inclusion of language that gives HPRC the authority to initiate the designation process. In addition, there are other minor modifications of this section that could further clarify the process.

In March 2009, Commissioner Taagepera submitted a memo outlining a procedure. The listing process, with Commissioner Taagepera's recommendations, was discussed at the September 24, 2009 meeting (minutes attached).

Staff is requesting to continue the discussion on the existing process, with the recommendations of Commissioner Taagepera and the Commission. Based on input from this discussion, staff will prepare a draft ordinance for the Commission to make a recommendation to the Planning Commission and City Council.

Attachments:

- Benicia Municipal Code – Chapter 17.54 (H Historic Overlay District)
- Commissioner Taagepera memo dated March 25, 2009
- Portion of the Historic Preservation Review Commission Minutes from September 24, 2009
- "Draft" Historic Designation Application Checklist

BENICIA MUNICIPAL CODE
CHAPTER 17.54 (H HISTORIC OVERLAY DISTRICT)

Chapter 17.54 H HISTORIC OVERLAY DISTRICT

Sections:

| | |
|------------------|--|
| <u>17.54.010</u> | Specific purposes. |
| <u>17.54.020</u> | Applicability and zoning map designator. |
| <u>17.54.030</u> | Land use and development regulations. |
| <u>17.54.040</u> | Criteria for establishment of H district. |
| <u>17.54.050</u> | Criteria for designating landmark buildings. |
| <u>17.54.060</u> | Conservation plan required. |
| <u>17.54.070</u> | Application requirements. |
| <u>17.54.080</u> | Review and approval. |
| <u>17.54.090</u> | Establishment of H districts and landmark designation. |
| <u>17.54.100</u> | Demolition and design review procedures. |
| <u>17.54.120</u> | Maintenance of structures and premises. |

17.54.010 Specific purposes.

The specific purposes of the H historic overlay district are to:

- A. Implement the city's general plan;
- B. Deter demolition, destruction, alteration, misuses, or neglect of historic or architecturally significant buildings that form an important link to Benicia's past;
- C. Promote the conservation, preservation, protection, and enhancement of each historic district;
- D. Stimulate the economic health and residential quality of the community and stabilize and enhance the value of property;
- E. Encourage development tailored to the character and significance of each historic district through a conservation plan that includes goals, objectives, and design criteria. (Ord. 87-4 N.S., 1987).

17.54.020 Applicability and zoning map designator.

The H historic overlay district may be combined with any zoning district. Each H overlay district shall be shown on the zoning map by adding an "-H" designator to the base district designation followed by the number of the district based on the order of adoption. (Ord. 87-4 N.S., 1987).

17.54.030 Land use and development regulations.

A. The land use and development regulations applicable in an H district shall be as prescribed for the base district with which it is combined unless modified by another overlay district; provided, that the requirements of the district conservation plan shall govern where conflicts arise.

B. Exceptions for Historic and Architecturally Significant Structures.

1. The community development director may grant a use permit for an exception to the land use regulations of the base district with which an H district is combined when such an exception is necessary to permit the preservation or restoration of an historic or architecturally significant building, structure or site.

2. Applications for such use permits shall be filed with the community development director on a form provided. The community development director shall refer all applications for an exception under this section to the historic preservation review commission (HPRC) for a report and recommendation. In making a decision, the community development director shall make a written finding that shall specify the facts relied upon in rendering his decision. A copy of this written finding, together with all evidence presented to the community development director, shall be filed in the planning

department. The written finding and decision shall be mailed to the applicant and shall be subject to appeal to the planning commission. Decision-making authority on such use permits may be deferred to the planning commission at the option of the community development director. Upon their decision in such instances, an appeal may be made to the city council as prescribed in Chapter 1.44 BMC. (Ord. 07-59 § 1; Ord. 05-03 § 4; Ord. 87-4 N.S., 1987).

17.54.040 Criteria for establishment of H district.

A. A portion of a base district shall be eligible for inclusion in an H district if one or more of the following criteria, rigorously applied, are met:

1. The area possesses character, interest, or value as part of the heritage of the city.
2. The area is the location of a significant historical event.
3. The area is identified with a person or group that contributed significantly to the culture and development of the city.
4. Structures within the area exemplify a particular architectural style or way of life important to the city.
5. Structures within the area are the best remaining examples of an architectural style in a neighborhood.
6. The area or its structures are identified as the work of a person or group whose work has influenced the heritage of the city, the state, or the United States.
7. The area or its structures embody elements of outstanding attention to architectural or landscape design, detail, materials, or craftsmanship.
8. The area is related to a designated historic building or district in such a way that its preservation is essential to the integrity of the building or district.
9. The area's unique location or singular physical characteristics represent an established and familiar visual feature of a neighborhood.
10. The area has potential for yielding information of archaeological interest.
11. The area's integrity as a natural environment strongly contributes to the well-being of the people of the city.

B. Portions of a base zoning district that do not meet the above criteria may be included in an H district if inclusion is found to be essential to the integrity of the district. (Ord. 87-4 N.S., 1987).

17.54.050 Criteria for designating landmark buildings.

Individual buildings may be designated as historic or architecturally significant landmarks if one or more of the criteria set forth in BMC 17.54.040 are met. A landmark so designated shall be eligible for the same review procedures as buildings and structures within an H district. (Ord. 87-4 N.S., 1987).

17.54.060 Conservation plan required.

Prior to filing an application for an H district, the applicant shall prepare an historic district conservation plan with the assistance of the planning department. Each conservation plan shall contain:

- A. A map and description of the proposed district, including boundaries; the age, setting, and character of structures; urban design elements and streetscapes; major public improvements; and proposed objectives to be achieved;
- B. A statement of the architectural or historical significance of the proposed district;
- C. A list of specific alterations that should be subject to design review in order to protect the architectural or historical character of the proposed district;
- D. A set of specific performance guidelines for new construction and alterations necessary to preserve the character of the proposed district;
- E. Proposed rules and regulations for design review. (Ord. 87-4 N.S., 1987).

17.54.070 Application requirements.

A. Filing of Petition. An application for an H district or landmark designation may be

initiated by the planning commission or city council, or by filing a petition requesting establishment of the district with the community development director, accompanied by the required fee. If initiated by petition, the application shall include:

1. The proposed conservation plan for the district as prescribed by BMC 17.54.060;

2. A form bearing the signatures of the owners of 51 percent of the land area within the proposed district.

B. Application Contents. An application for a landmark designation shall contain:

1. A map showing the location of the building or structure and building plans or photographs of the building exterior;

2. A statement of the architectural or historical significance of the proposed building and description of the particular features that should be preserved; and

3. Except when initiated by the city, the consent of the owner or authorized agent to the proposed designation is required. For purposes of this section, each condominium owner's association shall be deemed the property owner of common areas.

Prior to accepting the application as complete, the community development director may request additional information, plans or materials deemed necessary to support the application. A planning commission public hearing on the petition shall be held within 90 days of the date the petition is accepted as complete. (Ord. 87-4 N.S., 1987).

17.54.080 Review and approval.

A. Neighborhood Workshop. The planning department shall conduct a neighborhood workshop in the proposed district to explain the proposal and the amendment process to neighborhood residents. Notice of the workshop shall be given in the same manner prescribed for zoning map amendments by BMC 17.120.040.

B. Notice and Public Hearing. After the neighborhood workshop, the proposed district shall be the subject of public hearings before the planning commission and the city council. The hearings shall be set, noticed, and conducted as prescribed by Chapter 17.120 BMC.

C. Contents of Public Notice. In addition to the information prescribed by Chapter 17.120 BMC, notice of a public hearing for the establishment of an H district or designation of a landmark shall include a statement that original petitioners have the right to withdraw their support of the district at any time prior to the hearing, and that property owners who have not signed the petition have the right to do so prior to the date of the hearing. (Ord. 87-4 N.S., 1987).

17.54.090 Establishment of H districts and landmark designation.

A. Required Findings. In addition to the findings required by Chapter 17.120 BMC, the planning commission and city council shall find that the proposed district or landmark has a significant architectural or historical character that can be preserved and enhanced through appropriate controls on new development and alterations to existing buildings and landscaping.

B. Adoption of Conservation Plan. An ordinance establishing an H district shall include an historic district conservation plan in the form submitted or as revised by the planning commission or city council. The plan's performance guidelines may modify the land use and development regulations of the base zoning district, but shall not significantly alter the regulations. A performance guideline shall be found to be a significant alteration of base district regulations if it substantially prevents property from being used in accord with the provisions of the base district, or creates a substantial number of nonconforming uses or structures.

C. Effects on Projects Initiated Prior to Effective Date. No provision of this chapter shall apply to projects initiated prior to the effective date of an ordinance establishing an H district or designating a landmark. Such projects shall be considered nonconforming uses, subject to the provisions of Chapter 17.98 BMC. For the purposes of this subsection, a project shall be deemed initiated if an application, plans, and materials for

concept or development plan review have been filed and accepted as complete.

D. Amendments to Adopted Conservation Plans. Procedures for an amendment to an adopted conservation plan shall be initiated in the same manner as an application for a zoning map amendment (Chapter 17.120 BMC). (Ord. 87-4 N.S., 1987).

17.54.100 Demolition and design review procedures.

A. In General. Except as modified by an adopted conservation plan, design review in an H district or of a proposed alteration, enlargement or demolition of a designated landmark shall be conducted as prescribed by Chapter 17.108 BMC. Design review and approval shall be the responsibility of the community development director or the design review commission, as the case may be.

The building official shall not issue a permit for construction, alteration, enlargement, or demolition of a building or structure located in an H district or of a designated landmark without the prior approval of the community development director or the design review commission. Prior approval of the community development director or the design review commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons.

B. Criteria. In addition to the requirements of Chapter 17.108 BMC, the community development director or design review commission, as the case may be, shall consider the proposed demolition, new construction, or alteration in the context of the adopted conservation plan and the architectural or historical value and significance of the site and structure in relation to the overlay district. These considerations shall include the visual relationship of proposed architectural design elements to the surrounding area, including scale, height, rhythm of spacing, pattern of windows and doorways, building siting and relationship to landscaping, roof pitch, architectural style, and structural details, materials, colors, and textures.

C. Required Findings. No demolition permit shall be issued for demolition of any historic structure within an H district or for demolition of a designated landmark without prior review and approval by the design review commission. Demolition permits for nonhistoric structures within the H district may be approved by the community development director. To assist any evaluation by the design review commission, the community development director shall submit a report and recommendation to the design review commission.

1. For Demolitions.

a. If, after review of the request for a demolition permit, the design review commission determines that the structure itself has historical, architectural or cultural interest or value, the commission may withhold approval for demolition for 180 days (from the date of commission action) or until environmental review is completed, whichever occurs later.

During the 180 days, the design review commission may direct the planning department to consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens; make recommendations for acquisition of property by public or private bodies or agencies; explore the possibility of moving one or more structures or other features; and take any other reasonable measures.

At the end of the 180-day period, the demolition permit shall be issued if environmental review determines there will not be a significant impact on the environment and all requirements of this title are met or, if there may be substantial environmental damages, that specific economic, social or other considerations make infeasible the mitigation measures or alternatives identified during environmental review.

b. If, after review of the request for a demolition permit, the design review commission determines that the building or structure has no substantial historical, architectural, or cultural interest or value, a building permit for demolition may be issued.

2. For New Construction or Alterations. The director or the commission shall not grant design approval for new construction or alterations unless it finds that the proposed new construction or alteration will be compatible with and help achieve the purposes of

the H district.

3. For Removal or Alteration of Certain Landscape Materials. The director's or commission's approval shall be required for removal or alteration of landscape materials identified as significant resources by the historic district conservation plan. Removal or alteration of such landscape materials shall require a finding that the proposed removal or alteration will not affect the character of the H district, or that the safety of persons or property requires the removal or alteration. No provisions of this subsection shall be construed as restricting routine maintenance of landscape materials.

D. Economic Hardship Waiver. If an applicant for design concept or design approval presents evidence of inability to meet the cost of complying with a condition of approval, the director or the commission may grant the approval with the requirement that all conditions be met within a period of up to five years. If such conditions are not met within five years, the property owner shall be subject to the enforcement provisions of Chapter 17.128 BMC.

E. Effective Date – Appeals. Decisions of the director or commission shall be final on the tenth business day after the date of the decision, unless appealed in accordance with Chapter 1.44 BMC. (Ord. 07-59 § 2; Ord. 93-1 N.S. § 5, 1993; Ord. 87-4 N.S., 1987).

17.54.120 Maintenance of structures and premises.

All property owners in H districts and owners of designated landmarks shall have the obligation to maintain structures and premises in good repair. Structures and premises in good repair shall present no material variance in apparent condition from surrounding structures in compliance with the provisions of this chapter. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises. (Ord. 87-4 N.S., 1987).

This page of the Benicia Municipal Code is current through Ordinance 09-18, passed September 15, 2009.
Disclaimer: The City Clerk's Office has the official version of the Benicia Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.ci.benicia.ca.us/>
City Telephone: (707) 746-4201
Code Publishing Company

**COMMISSIONER TAAGEPERA MEMO
DATED MARCH 25, 2009**

DATE: March 25, 2009
TO: HPRC Commissioners
FROM: Leann Taagepera
SUBJECT: Procedure for Regaining Historic Status

Buildings have been de-listed which could be restored. It would be prudent for the City to adopt a program whereby a property owner can restore a building and regain historic status. The HPRC is tasked with encouraging historic preservation. If historic buildings have had alterations which could be restored, de-listing them with no procedure to allow them to regain historic status has removed all financial incentives to restore, because now those buildings are no longer eligible for the Mill's Act property tax savings and they cannot use the historical building code. People who need to restore their buildings would benefit from that savings the most. I have spoken with historic preservation officers and architectural historians about this situation and they term de-listing buildings on the borderline of historical integrity as "throwing out the baby with the bath water."

I propose the following procedure as a starting point for discussion and request that this item be agendized for the next HPRC meeting.

Property owners of buildings which currently are not deemed to be contributors to the Downtown Historic Conservation District, due to a de-listing of these buildings in the 2009 historic survey, may apply to the City for a historic redesignation of their buildings. Redesignation of their building from non-contributor to contributor (or to Landmark status, in the event this were ever appropriate) would require approval by the HPRC. If such request were denied, applicant could appeal denial to the City Council.

Application material to be submitted to the City Community Development Department would be composed of the following:

1. A list of inappropriate alterations which have resulted in the loss of historic integrity, and therefore, loss of historic designation;
2. Information about when these inappropriate alterations occurred, if known;
3. A description of which of these alterations are proposed to be reversed or restored, and a description of the methods and materials proposed;
4. A drawing or architectural rendering of the building, identifying the areas that would be restored or replaced;
5. Photos of the building as it appears now;
6. Any photos that can be provided as the building looked prior to any or all of the inappropriate alterations.

As this re-designation is intended to encourage the restoration and preservation of historic buildings in Benicia, the only fee that would be charged would be a simple fee for a minor application of no more than \$200, and the fee for the Mill's Act application, if appropriate. It would be important for the City to advertise this program, so property owners were aware of it. The HPRC and City staff would be tasked with determining if the proposed plan for restoration would result in re-establishing the building's historical integrity, thereby warranting re-listing the building.

**PORTION OF HISTORIC PRESERVATION REVIEW
COMMISSION MINUTES OF SEPTEMBER 24, 2009**

Lisa Porras, Senior Planner, gave an overview of the project. Material samples were provided to the Commission for their review.

Commissioners discussed the material samples. There was a suggestion to set the brick so that no edges are shown.

The applicant noted that they tried to match the brick to the existing brick wall and arch. The brick does not match exactly, but complements the brick inside the restaurant. The steel door trash enclosure will be painted in a hunter green color. The stucco is a sand finish, which will reduce glare.

The public hearing was opened. No public comment. The public hearing was closed.

Commissioners discussed the material samples. They approved of the following:

Kelly-Moore Hunter Green (149 Green Thumb)

Kelly-Moore Off-White (27 Bone)

Brick corners fabricated so they do not appear to be veneer; with special attention to the corners

On motion of Commissioner McKee, seconded by Commissioner Crompton, the above materials were approved by the following vote:

Ayes: Commissioners Crompton, Donaghue, Mang, McKee, Taagepera, White and Chair Haughey

Noes: None

Absent: None

Abstain: None

D. LISTING PROCESS FOR HISTORIC RESOURCES TO REGAIN HISTORIC STATUS

PROPOSAL:

Per City Council direction, the Commission will discuss a process that allows an eligible property to gain historic status. This discussion includes suggestions made by Commissioner Taagepera in a memo dated March 25, 2009.

Recommendation: Based on this discussion, staff will prepare a draft ordinance for the Commission to make a recommendation to the City Council.

Gina Eleccion gave an overview of this item. She recommended a brief overview and stated that staff can take all comments and come back with a draft ordinance for discussion.

Commissioner Taagepera would like to see more changes to the current ordinance. She would like to see property owners approach the City to get their properties listed. She would like to see a minimal fee for this.

Commissioners commented on the need for a professional DPR form. Commissioners agreed that staff can come back with a draft ordinance.

Commissioners discussed whether or not this would include properties outside of the district. Gina Eleccion noted that this warrants further discussion.

Following recommendations:

1. Professional consultant DPR form – provided by property owner
2. Not just for reconstruction
3. Restoration reviewed prior to changes being made

VII. COMMUNICATIONS FROM STAFF

A. HISTORIC CONTEXT CONSULTANT SELECTION COMMITTEE

Staff requests the Commission designate a member to sit on the Historic Context Consultant Selection Committee.

Commissioner Taagepera had expressed an interest in being involved in this. The Commission agreed with this.

Gina Eleccion stated that the City has entered into a contract with a consultant to review the historic integrity of the IOOF. Staff will present the results of the consultant's evaluation at the November meeting.

Gina Eleccion noted that the Climate Action Plan was adopted at the September 15th City Council meeting. Once the Community Sustainability Commission is seated, the Commission will start to see implementation strategies included in project approvals.

VIII. COMMUNICATIONS FROM COMMISSIONERS

Commissioner Crompton questioned the Big-O Tire sign. Staff will review the sign.

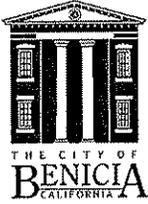
Commissioner Mang commented on the fact that there were only 2 Mills Act applications this year. Gina Eleccion noted that there are multiple factors contributing to this.

Commissioner Mang would like to see bigger work plans for certain properties. In addition, he would like follow up on 166 West H Street.

Commissioner White commented on the Masonic Temple. Building Division staff is currently reviewing all buildings with issues.

Commissioner McKee encouraged commissioners to take a more active role in the non-historic design review projects, such as the New Harbor Church project.

**DRAFT HISTORIC DESIGNATION
APPLICATION CHECKLIST**



Public Works & Community Development Department

Planning Division

The City has established criteria for designating contributing historic structures, or re-listing properties that have previously lost their designation status. The process to designate a contributing historic resource (contributor or landmark) can be initiated by the City Council, Planning Commission, Historic Preservation Review Commission, or individual property owners.

Project Address:

Date:

Planner:
accepting application

| For Applicant's Use | For Staff Use | Historic Designation Application Checklist | |
|---------------------|---------------|---|-----------------------------------|
| | | Please note: Your project planner may require additional information depending on the specifics of your project. | |
| | | Application Form | Required |
| | | Updated Historic Resources Inventory (State Department of Parks & Recreation DPR Form 523 A & B) , to be completed by a qualified historic preservation specialist | Required |
| | | Architectural Historian Evaluation <ul style="list-style-type: none"> • Report At the applicant's expense, the applicant shall retain an architectural historian, or restoration architect, to evaluate the applicant's proposal for consistency with the architectural, historic, or aesthetic integrity of the resource. The architectural historian shall review and make recommendations to the City to ensure that the proposed work will not adversely affect the significant architectural features of the property, nor adversely affect the character or historic architectural or aesthetic interest or value of the cultural resource and its site. • Work Plan Consisting of a description of work needed to restore character defining features of the property per the Secretary of the Interior Standards for the Treatment of Historic Properties. Work Plan shall be prepared in conjunction with the Architectural Historian Report. | Required |
| | | Elevations and Architectural Plans , identifying the entire structure, and highlighting features to be restored per the work plan | 6 sets |
| | | Photographs <ul style="list-style-type: none"> • Existing Building • Building prior to any or all inappropriate alterations | 1 set printed 1 set electronic |
| | | Legal Description of Property (Can be provided by Title Company) | Required |

| For Applicant's Use | For Staff Use | <h3 style="text-align: center;">Historic Designation Application Checklist</h3> <p style="text-align: center;">Please note: Your project planner may require additional information depending on the specifics of your project.</p> | |
|---|---------------|---|---|
| | | Title Report | Required |
| | | Building Materials and Color Sample Board | Required |
| | | Filing Fee | \$300 |
| | | Mailing Labels | Required (see <u>Mailing Notice</u> handout) |
| <p>Supplemental Information: Your project planner may require one or more of the following items after your initial application submittal, depending on the condition of the property and nature of the proposed work.</p> | | | |
| | | <p>Additional Plans Required Subsequent to Initial Submittal</p> <p>Plans – Revised and submitted for further staff review:</p> <p>Plans – Ready for Commission review:</p> | <p style="text-align: center;">6 sets</p> <p style="text-align: center;">12 sets 11"x17" 1 full-size set, rolled</p> |



Public Works & Community Development Department
MEMORANDUM

Date: January 21, 2010
To: Historic Preservation Review Commission
From: Gina D. Eleccion, Management Analyst 
Re: Status of Priority List of Discussion Items

Per their adopted Rules and Procedures, the Historic Preservation Review Commission shall maintain a list of priority items (Exhibit A, attached). This list shall provide the basis of both strategic plan priorities to City Council, as well as ongoing topics for discussion and action by the Commission. This list shall be reviewed and prioritized on a semi-annual basis. Items may be added to the list by a majority consensus of the Commission.

As some items have been added, and others are complete, staff is requesting that the Commission re-evaluate the list and rank the topics in order of priority. This will provide a realistic work plan for both the Commission and Staff. Staff will continue to update the Commission on the status of the discussion items during staff communications.

As a reminder, these items are agendized based on meeting availability and staff workload. The original intention of the discussion items was not to have an agenda item at each meeting, but rather to address the highest priority items quickly, and then deal with the other items as workload allows. Staff recognizes the Commission's desire to have these items agendized and will do our best to ensure this occurs.

Attachment:

- Exhibit A – Priority List of Discussion Items

Priority List of Items

| Priority | Strategic Plan Projects | Status |
|----------|--|--|
| 1 | <p>Historic Context</p> <p>Includes:</p> <ol style="list-style-type: none"> 1. Portuguese Influence 2. Properties over 50 years old <p>Downtown Historic Conservation Plan Update</p> <p>Includes:</p> <ol style="list-style-type: none"> 1. Window Standards – Review existing resolution establishing window standards 2. Craftsman Cottages 3. Paint Standards for the H overlay district 4. Design Guidelines for non-historic homes 5. Skylights | <p>2009 – received grant. In process.</p> <p>2008 – Applied for grant. Did not receive.</p> <p>Pending update to Historic Resource Inventory</p> |
| Priority | Topics | Status |
| 1 | Staff level Design Review (Administrative Certificates of Appropriateness) for specific projects that are consistent with Secretary of Interior's Standards for the Treatment of Historic Properties | |
| 2 | Secretary of the Interior Standards for Treatment of Historic Properties | Ongoing SHPO training (Mark Huck) February 2008 Additional discussion requested by Chair Mang |
| 3 | Information to Historic Property Owners and Realtors (Notification of historic property designation status & eligibility for Mills Act) | <p>Certified resolution submitted to County Recorder with list of properties. Staff will follow-up to verify that this was completed.</p> <p>Previous action - Staff report 1-25-07. Staff to draft language to be included on deed. Will cost City approximately \$15,000 to implement.</p> |
| 4 | Fee Schedule and Design Review Process (for both historic and non-historic properties) | Requested by Commissioner Taagepera |

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| 5 | CLG Requirements | Requested by Commissioner Taagepera |
| 6 | Standing Historic Subcommittee with Benicia Historical Society | April 23, 2009 – Commission discussed forming committees for specific topics as time allows Requested by Bonnie Silveria |
| 7 | Formal process for property owners to rehabilitate non-historic properties and apply for designation as a contributor or landmark | In process Requested by Commissioner Taagepera Directed by Council |
| 8 | Demolition Ordinance Update | Per Council direction |
| 9 | Definitions of “repair”, “emergency”, “minor” | Requested by Commission |
| 10 | Commanding Officer’s Quarters – Standards of Use | Requested by Commission |

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| <u>ANNUAL</u> | | | |
| | Mills Act Compliance Report | | Report on annual inspections |
| | Certified Local Government Report | | Discussion of annual report submitted to SHPO |
| | City-owned Historic Buildings (Project Status and Maintenance) | | Parks & Community Services Dept. will prepare an annual status report |
| <u>COMPLETED</u> | | | |
| | Story Pole requirement for projects that require Design Review in the H overlay district | | Complete. Implementation program of the Downtown Mixed-Use Master Plan |
| | Mills Act Monitoring | | Complete. Monitoring Program adopted 8-31-06 |
| | Property Maintenance Issues | | Complete. Staff report 9-28-06. No further action required |
| | Design Review for all single-family homes in the H overlay district | | Complete until update of DHCP to include design guidelines |
| | Mills Act Program – Training, discussion of overall program and recommendation to City Council for amendments | | Completed November 2008 - Additional discussion on program eligibility. Minimal changes recommended. SHPO training early Spring 2008 Program overview 7-24-08 |

- List to be reviewed bi-annually (January & July)
- Strategic Plan Projects require Council direction/funding
- Discussion Topics to be agendaized reasonably, based on required agenda items and staff workload
- Chair/Staff set agendas